(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON (for himself, and Mr. TORRICELLI):

S. 2589. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VOINOVICH:

S. 2590. A bill to reauthorize and amend the Comprehensive Environment Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. ROCKEFELLER, Mr. ROBB, Mr. L. CHAFEE, Mr. BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS:

S. 2593. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ALLARD:

S. 2594. A bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2595. A bill to amend chapter 7 of title 31, United States Code, to authorize the General Accounting Office to take certain personnel actions, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 2596. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUYE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself, Mr. MOYNIHAN, and Mr. ROCKEFELLER):

S. Res. 308. A resolution congratulating the International House on the occasion of its 75th anniversary; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today I am introducing bipartisan legislation that, if enacted, will enable the Immigration and Naturalization Service (INS) to cut through and eventually eliminate the unacceptably long backlogs in its processing of applications for naturalization, adjustment of status, and other immigration benefits.

I am pleased that Senators ABRAHAM, JEFFORDS, DEWINE, LEAHY, REID, MOYNIHAN, MIKULSKI, GRAHAM, and DURBIN have joined me as original cosponsors of this important bill.

All of us have heard the horror stories of the long delays in processing naturalization and immigration applications. What was once a 6-month process has now become a 3- to 4-year ordeal.

The ''Immigration Services and Infrastructure Improvement Act of 2000,'' which I am introducing today, would provide the Immigration and Naturalization Service with the direction and resources it needs to reduce the current immigration backlogs and hold it accountable to get the job done.

It is unacceptable that millions of people who have followed our nation's laws, made outstanding contributions to our nation, and paid the requisite fees have had to wait months—and in too many cases, years—to obtain the immigration services they need. The enormous delays in processing have had a negative impact on the reunification of spouses and minor children, and on businesses seeking to employ essential workers to help keep them globally competitive.

The fact is, there are many victims of an agency that is in dire need of a change in the way it does business. Today, it has become all too clear that the INS needs to re-engineer its adjudication process, which will require both additional resources and strong congressional direction and oversight.

The ''Immigration Services and Infrastructure Improvement Act'' would enable millions of law-abiding residents, immigrants, and businesses, who have played by the rules and paid fees to the INS, to have their applications processed in a timely manner.

This bill evolved from discussions with immigration advocates, the business community, State and local leaders, and the Administration. Specifically, this legislation would do three things.

First, it would create a separate ''Immigration Services and Infrastructure Improvement Account'' (''Account'') and authorize such sums as may be necessary to fund it.

This account would permit the INS to fund across several fiscal years infrastructure improvements, including additional staff, computer records

management, fingerprinting, and nationwide computer integration. Moreover, it would pay for these infrastructure improvements through direct appropriations rather than through increased application fees.

Second, the ''Immigration Services and Infrastructure Improvement Act of 2000'' would require the INS to put together a plan on how it will eliminate existing backlogs and report on this plan before it could access any of the funds.

In its report, the INS would be required to describe its current processing capabilities and detail its plans to eliminate existing backlogs in immigration benefit applications and petitions.

And third, it would require the Department of Justice to submit an annual, detailed report to Congress, including data on the number of naturalization applications and immigration petitions processed and adjudicated in each of the fiscal years following enactment of the act.

The act would also require the INS to report on the number of cases still pending in the naturalization, immigrant and nonimmigrant visa categories. In some cases this would involve a state-by-state or regional analysis of INS's progress in processing applications in a timely fashion.

In the past 7 years, 6.4 million people applied for U.S. citizenship—more than the previous 37 years combined. Today, INS faces a backlog of 1.3 million naturalization applications. Although the INS has put more resources into processing naturalization applications, this has come at the expense of processing other immigration-related applications, such as those for lawful permanent residence. At the beginning of this year, the INS had a pending caseload of 951,350 adjustment of status applications—an eightfold increase since 1994.

As a result, major cities continue to face tremendous delays in the processing of INS naturalization and immigrant applications. Five cities—Los Angeles, New York, San Francisco, Miami, and Chicago—handle 65 percent of the nation's naturalization workload.

By now, most of us are familiar with the numbers. Indeed, it would be easy for one to look at and decry the statistics reflecting the enormous number of backlogged applications. Instead, I come to floor of the Senate today to talk about the human cost of these backlogs and what I intend to do through legislation to help the INS put itself on its proper course.

As one who represents California, a State that is number one among immigrant-receiving States, I have seen firsthand how families and businesses can be disproportionately affected by the smallest fluctuations in INS resources and services.

One out of every four Californians—about 8.5 million people—is foreign born. The average number of new immigrants to the State is more than 300,000 annually. Population growth of this magnitude is like adding a city the size of Anaheim, California each year.

The constant processing delays at the INS have had a tremendous impact on the ability of immigrants to naturalize, and seek services related to their application for green cards, work authorization, and family reunification.

On almost a daily basis, my office fields calls from people who have been waiting three or four years to naturalize or to adjust their status to that of lawful permanent resident. And this is after having paid a fee of $225 per naturalization application, and $220 for an adjustment of status application—per person. Imagine how much of an investment a family makes in order to play by the rules.

Applicants for these services are never really sure if their application is still in the process or lost, especially when the expected time for a fingerprint or interview notice comes and goes.

I have received numerous letters from constituents that vividly portray the human toil these backlogs have taken.

For example, one person wrote that he and his family have been in the country legally for more than 10 years. They filed their request for permanent residency at the right time. Their file, however, has moved so slowly within the INS that one of their sons is now about to ''age out'' of qualifying for permanent residence because he will turn 21 soon.

Just recently, I received a letter from a young student at Berkeley who filed a citizenship application in October 1996. She is still waiting to receive word from the INS on the correct status of her file.

She was told by the INS in January this year that it had closed her case in June 1999 without her knowledge or ability to address any concerns they might have had with her case. In fact, she was never told there were problems with her case.

Up until January, she had been told by the INS that she would be receiving her interview notice within six weeks. Unfortunately, six weeks became three years. Now, almost four years later, she has come to my office for assistance, wondering what she might have done to create this situation.

The fact is, like millions of others throughout the country, she is a victim of an agency that is in dire need of a change in the way it does business.

Millions of people are being prevented from participating in American civic life because of the inability of INS to process their naturalization applications in a timely fashion (e.g., they cannot vote, run for public office, assume certain government positions). U.S. citizens are unable to be reunited with their spouses and minor children because of the delays in INS processing.

And thousands of American businesses, such as high tech companies like Sun Microsystems and others, have been prevented from getting qualified workers because of the INS's inability to provide access to a critical portion of their workforce. Lengthy delays and inconsistencies in INS processing have taken a toll on company projects, planning and goals.

How does this legislation help Congress hold the INS accountable for the prompt delivery of services? If INS does not met the goals of set out in this legislation, it would have to explain to Congress why the backlogs persist and what the agency is doing to fix them. This legislation would also require the INS to describe the additional mechanisms and resources needed to meet Congress's mandate that backlogs be eliminated and that the processing of applications take place in an acceptable time frame.

While funds devoted to enforcing our immigration laws have rightfully been increased in recent years, until very recently, Congress had not provided increases in funding to the INS specifically to deal with the increased missions that Congress has imposed on it. Nor has Congress provided adequate funding to deal with the increased number of naturalization and other immigration benefits applications that have been submitted in recent years and continue to be submitted.

The business community, immigration community, and the Administration have indicated their support for mechanisms such as those included in my legislation. I wish to thank the following organizations whose valuable input and ideas helped shaped this important legislation:

American Business for Legal Immigration; American Council on International Personnel; American Immigration Lawyers Association; Hebrew Immigration Aid Society; Mexican American Legal Defense and Education Fund; National Association of Latino Elected Officials; National Asian Pacific American Legal Consortium; National Council of La Raza; United Jewish Communities; and United States Catholic Conference.

Mr. President, the ''Immigration Services and Infrastructure Improvement Act of 2000'' would provide direction and accountability on how the INS uses appropriated funds. Passage of this legislation would send a strong congressional directive to the INS that timely and efficient service is not merely goal, but a mandate.

I urge the Senate to act swiftly and pass this urgently needed legislation.

By Mr. NICKLES (for himself and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES

● Mr. NICKLES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES.

(a) TAX BASED ON TIRE LOAD CAPACITY NOT WEIGHT.—Subsection (a) of section 4071 of the Internal Revenue Code of 1986 (relating to imposition of tax on tires) is amended to read as follows:

''(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on tires of the type used on highway vehicles, if wholly or in part made of rubber, sold by the manufacturer, producer, or importer a tax equal to 8 cents for each 10 pounds of the tire load capacity in excess of 3500 pounds.''.

(b) TIRE LOAD CAPACITY.—Subsection (c) of section 4071 of such Code is amended to read as follows:

''(c) TIRE LOAD CAPACITY.—For purposes of this section, tire load capacity is the maximum load rating labeled on the tire pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations. In the case of any tire that is marked for both single and dual loads, the higher of the 2 shall be used for purposes of this section.''.

(c) TIRES TO WHICH TAX APPLIES.—Subsection (b) of section 4072 of such Code (defining tires of the type used on highway vehicles) is amended by striking ''tires of the type'' the second place it appears and all that follows and inserting ''tires—

''(1) of the type used on—

''(A) motor vehicles which are highway vehicles, or

''(B) vehicles of the type used in connection with motor vehicles which are highway vehicles, and

''(2) marked for highway use pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1 of the first calendar year which begins more than 30 days after the date of the enactment of this Act.●

By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

UTE-MOAB LAND RESTORATION ACT

● Mr. BENNETT. Mr. President, I take the floor today to introduce the Ute-Moab Land Restoration Act, a proposal that enjoys great support from the State of Utah and many of my constituents. This legislation contains two major components that will enable the restoration of Ute Indian Tribal lands and the remediation of a uranium mill tailings site near Moab, Utah.

The first component is the transfer of the Naval Oil Shale Reserve Numbered 2 (NOSR 2) lands east of the Green River to the Ute Indian Tribe. The lands that contain the NOSR 2 were taken from the Ute tribe in 1916 by the government to provide the Navy with a source of petroleum for oil-burning ships. This transfer will return these traditional homelands to the Ute tribe. Additionally, the return of these lands will spur economic development on the Uintah and Ouray Indian Reservation, home of the Ute Tribe. The increased economic development will include oil and gas production. It should be noted that the Ute Tribe has a history of environmentally responsible petroleum development on one of Utah's largest oil and gas fields. The bill also incorporates a provision whereby a nine percent royalty will be returned to the Secretary of Energy for the purposes of offsetting the cost of removing the Atlas tailings pile as I shall describe in a moment. I expect the tribe will give all future petroleum developments the same amount of care they have demonstrated in the past.

The economy of the Uintah Basin will not be the sole beneficiary of the land transfer. There are numerous conservation provisions incorporated into the transfer. These provisions include the establishment of a quarter mile corridor along 75 miles of the Green River to conserve its scenic qualities and protections for wild horses and threatened and endangered plants life.

The second component will facilitate the removal of the tailings from the Atlas uranium milling site across the Colorado River from Moab, Utah. It should be noted that the determination to locate the Atlas milling facility at MOAB was driven by encouragement from the former Atomic Energy Commission. Further, the Department of Energy (DOE) bears responsibility for approximately 56 percent of the 10.5 million tons of mildly radioactive debris left as a residue from the Cold War and our nation's effort to maintain its nuclear weapons stockpile. These tailings, produced from 156 to 1988, are currently leaching ammonia into the waters of the Colorado River. Additionally, the pile is a significant source of airborne radon. Both of these pollutants need to be addressed.

In January of this year, Secretary of Energy Bill Richardson announced the intention of DOE to move the Atlas tailings pile to a remote location where this waste could be contained in a sealed cell. This proposal follows work done previously by DOE on 22 former uranium mill tailings sites. The legislation I am introducing today amends the Uranium Mill Tailings Radiation Control Act (UMTRCA) by adding the Atlas tailings site as the 23rd site for DOE remediation.

I note that the U.S. Nuclear Regulatory Commission conducted a lengthy five-year environmental impact statement on the Atlas site. Its conclusion held that the site could be remediated in place by dewatering the pile, treating the ground water, and capping the tailings. Indeed, the NRC has appointed a trustee that is moving forward with this remediation process today. However, given the interests of the State of Utah and the people of Grand County, I am introducing this legislation so the tailings can be removed and treated in a more secure manner.

I am concerned that securing the funding for this clean-up may be difficult. Therefore, I have a included a provision which will enable the NRC trustee to continue on-site remediation up to the point that DOE obtains the necessary appropriations to step up and take over the process. I believe this is the responsible approach to ensure that public health and the environment are protected regardless of the outcome of future appropriations.

I look forward to working with my colleagues in moving this legislation forward and restoring these Utah lands.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ute-Moab Land Restoration Act''.

SEC. 2. TRANSFER OF OIL SHALE RESERVE.

Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended to read as follows:

''SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.

''(a) DEFINITIONS.—In this section:

''(1) MAP.—The term ''map'' means the map entitled 'Boundary Map, ...', numbered ____ and dated _____, to be kept on file and available for public inspection in the offices of the Department of the Interior.

''(2) MOAB SITE.—The term 'Moab site' means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

''(3) NOSR–2.—The term 'NOSR–2' means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

''(4) TRIBE.—The term 'Tribe' means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

''(b) CONVEYANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within

the exterior boundaries of NOSR–2 in fee simple (including surface and mineral rights).

''(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

''(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

''(B) The portion of the bed of Green River contained entirely within NOSR–2, as depicted on the map.

''(C) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

''(D) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

''(3) CONDITIONS.—

''(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

''(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

''(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

''(c) WITHDRAWALS.—All withdrawals in effect on NOSR–2 on the date of enactment of this section are revoked.

''(d) ADMINISTRATION OF RESERVED LAND, INTERESTS IN LAND.—

''(1) IN GENERAL.—The Secretary shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

''(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

''(e) ROYALTY.—

''(1) PAYMENT OF ROYALTY.—

''(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

''(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

''(i) gross production taxes;

''(ii) pipeline taxes; and

''(iii) allocation taxes assessed against the gross production.

''(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

''(3) FINANCIAL AUDIT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

''(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

''(f) RIVER MANAGEMENT.—

''(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

''(A) maintains the protected status of the land; and

''(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

''(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

''(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

''(A) the Tribe; and

''(B) the Secretary.

''(g) PLANT SPECIES.—

''(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

''(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

''(B) located or found on the NOSR–2 land conveyed to the Tribe.

''(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

''(h) HORSES.—

''(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

''(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

''(A) under tribal jurisdiction; and

''(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

''(i) REMEDIAL ACTION AT MOAB SITE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Energy shall prepare a plan for the commencement, not later than 1 year after the date of completion of the plan, of remedial action (including groundwater restoration) at the Moab site in accordance with section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

''(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

''(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

''(B) other amounts made available for the remedial action under this subsection.

''(3) RETENTION OF ROYALTIES.—

''(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

''(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

''(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

''(D) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

''(ii) CONTINUATION OF NRC TRUSTEE REMEDIATION ACTIVITIES.—After the date of enactment of this section and until such date as funds are made available under clause (i), the Secretary, using funds available to the Secretary that are not otherwise appropriated, shall carry out—

''(I) this subsection; and

''(II) any remediation activity being carried out at the Moab site by the trustee appointed by the Nuclear Regulatory Commission for the Moab site on the date of enactment of this section.

''(4) SALE OF MOAB SITE.—

''(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

''(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

''(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

''(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.''.

SEC. 3. URANIUM MILL TAILINGS.

Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

''(4) DESIGNATION AS PROCESSING SITE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

''(B) APPLICABILITY.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

''(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

''(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

''(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

''(I) groundwater restoration; and

''(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.''.

SEC. 4. CONFORMING AMENDMENT.

Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note) is amended by inserting after subsection (e) the following:

''(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.''.●

By Mr. VOINOVICH:

S. 2590. A bill to reauthoize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environmental and Public Works.

BROWNFIELDS REVITALIZATION ACT OF 2000

● Mr. VOINOVICH. Mr. President, I rise today to introduce legislation that will provide incentives to clean up abandoned industrial sites—or brownfields—across the country and put them back into productive use and preserve our greenspaces.

It is time to create more certainty in the brownfields cleanup process. Parties that clean up non-Superfund sites under state cleanup laws need certainty about the rules that apply to them, particularly that their actions terminate the risk of future liability under the federal Superfund program.

The bill that I introduce today, the Brownfield Revitalization Act of 2000, creates that certainty by allowing states to release parties that have cleaned up sites under state laws and programs from federal liability. This bill has strong bipartisan support from our nation's Governors who have written to me expressing their support for this legislation.

I strongly believe that there should be no requirement that the U.S. Environmental Protection Agency (EPA) pre-approve state laws and programs. State brownfields programs address sites that are not on the National Priorities List (NPL) and where the federal government has played little or no role.

States are leading the way in cleaning up sites more efficiently and cost-effectively. According to state solid waste management officials, states average more than 1,400 cleanups per year. And they are addressing approximately 4,700 sites at any given time.

This is helping to recycle our urban wastelands, prevent urban sprawl and preserve our farmland and greenspaces. These programs are cleaning up eyesores in our inner cities, making them more desirable places to live. Because they are putting abandoned sites back into productive use, they are the key to providing economic rebirth to our urban areas, and good-paying jobs to local residents. This bill makes sense for our environment and it makes sense for our economy.

The bill I am introducing today is similar to the brownfields provisions in S. 1090, the Superfund Program Completion Act of 1999, by Senator BOB SMITH and the late-Senator John Chafee. The purpose of my bill is to build upon the success of state programs by providing even more incentives to clean up brownfield sites in order to provide better protection for the health and safety of our citizens and the environment. What we don't need are delays caused by the U.S. EPA's second-guessing of state decisions.

A good example of second-guessing occurred in my own state of Ohio. One company, TRW completed a cleanup at its site in Minerva under Ohio's enforcement program in 1986. Despite these cleanup efforts, the U.S. EPA placed the site on the NPL in 1989. However, after listing the site, the U.S. EPA took no aggressive steps for additional cleanup. The site has been untouched for years. In fact, it is now likely that the site will be delisted.

To enhance and encourage further cleanup efforts, Ohio has implemented a private sector-based program to clean up brownfields sites. When I was Governor, Ohio EPA, Republicans and Democrats in the Ohio Legislature and I worked hard to implement a program that we believe works for Ohio. Our program is already successful in improving Ohio's environment and economy.

In almost 20 years under the federal Superfund program, the U.S. EPA has only cleaned up 18 sites in Ohio. In contrast, 103 sites have been cleaned up under Ohio's voluntary cleanup program in 5 years. And many more cleanups are underway.

States clearly have been the innovators in developing voluntary cleanup programs, and Ohio's program has been very successful in getting cleanups done more quickly and cost effectively. For example, the first cleanup conducted under our program—the Kessler Products facility, near Canton—was estimated to cost $2 million and take 3 to 5 years to complete if it had been cleaned under Superfund. However, under Ohio's voluntary program, the cost was $600,000 and took 6 months to complete. These cleanups are good for the environment and good for the economy.

Mr. President, Ohio and other states have very successful programs that clean up sites more efficiently and cost effectively. This bill would help build on their success by providing assurances to parties that when they clean up a site correctly, they will not be held liable under Superfund down the road. The bill precludes the federal government from taking action at a site where cleanup is being conducted under a state program except under certain circumstances, such as when a state requests federal action, when the U.S. EPA determines that a state is unwilling or unable to take appropriate action, or when contamination has migrated across state lines. The bill does not take away the U.S. EPA's authority to conduct emergency removals or their authority to conduct tests at a site to determine if a site should be listed on the NPL.

This legislation also ensures that Federal facilities are subject to the same environmental cleanup requirements as private sites. In 1992, Congress enacted the Federal Facilities Compliance Act (FFCA), which holds Federal facilities accountable to meet State and Federal environmental laws regulating hazardous waste. However, subsequent Federal court decisions have undermined the intent of FFCA and similar language in other statutes. We should be reminded that contamination problems at Federal facilities are largely the result of years of self-regulation by Federal agencies. It is essential that States have the authority to oversee cleanup and enforce their own laws and standards. My bill merely ensures that Federal agencies are held accountable to the same state and federal regulations that govern private entities.

This bill is just plain commonsense. It provides more protection for the environment by providing incentives to clean up hazardous waste sites. It helps preserve our greenspaces. And it helps our economy by putting abandoned sites back into productive use, providing jobs and better places to live in our urban areas.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Brownfields Revitalization Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION

Sec. 101. Brownfields.

TITLE II—STATE RESPONSE PROGRAMS

Sec. 201. State response programs.
Sec. 202. State cost share.

TITLE III—PROPERTY CONSIDERATIONS

Sec. 301. Contiguous properties.
Sec. 302. Prospective purchasers and windfall liens.
Sec. 303. Safe harbor innocent landholders.

TITLE IV—FEDERAL ENTITIES AND FACILITIES

Sec. 401. Applicability of law; immunity.

TITLE I—BROWNFIELDS REVITALIZATION

SEC. 101. BROWNFIELDS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

''SEC. 127. BROWNFIELDS.

''(a) DEFINITIONS.—In this section:

''(1) BROWNFIELD FACILITY.—

''(A) IN GENERAL.—The term 'brownfield facility' means real property, the expansion or redevelopment of which is complicated by the presence or potential presence of a hazardous substance.

''(B) EXCLUSIONS.—The term 'brownfield facility' does not include—

''(i) any portion of real property that, as of the date of submission of an application for assistance under this section, is the subject of an ongoing removal under this title;

''(ii) any portion of real property that has been listed on the National Priorities List or is proposed for listing as of the date of the submission of an application for assistance under this section;

''(iii) any portion of real property with respect to which cleanup work is proceeding in substantial compliance with the requirements of an administrative order on consent, or judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(iv) a land disposal unit with respect to which—

''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(II) closure requirements have been specified in a closure plan or permit; or

''(v) a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

''(C) FACILITIES OTHER THAN BROWNFIELD FACILITIES.—That a facility may not be a brownfield facility within the meaning of subparagraph (A) has no effect on the eligibility of the facility for assistance under any provision of Federal law other than this section.

''(2) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means—

''(i) a general purpose unit of local government;

''(ii) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

''(iii) a government entity created by a State legislature;

''(iv) a regional council or group of general purpose units of local government;

''(v) a redevelopment agency that is chartered or otherwise sanctioned by a State;

''(vi) a State; and

''(vii) an Indian Tribe.

''(B) EXCLUSION.—The term 'eligible entity' does not include any entity that is not in substantial compliance with the requirements of an administrative order on consent, judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to any portion of real property that is the subject of the administrative order on consent, judicial consent decree, or permit.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants for the site characterization and assessment of brownfield facilities.

''(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT AND RESPONSE ACTIONS.—

''(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make grants to the eligible entity to be used for the site characterization and assessment of 1 or more brownfield facilities.

''(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A)—

''(i) shall be performed in accordance with section 101(35)(B); and

''(ii) may include a process to identify or inventory potential brownfield facilities.

''(c) BROWNFIELD REMEDIATION GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Secretary, the Administrator shall establish a program to provide grants to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(2) ASSISTANCE FOR RESPONSE ACTIONS.—On approval of an application made by an eligible entity, the Administrator, in consultation with the Secretary, may make grants to the eligible entity to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(d) GENERAL PROVISIONS.—

''(1) MAXIMUM GRANT AMOUNT.—

''(A) IN GENERAL.—The total of all grants under subsections (b) and (c) shall not exceed, with respect to any individual brownfield facility covered by the grants, $350,000.

''(B) WAIVER.—The Administrator may waive the $350,000 limitation under subparagraph (A) based on the anticipated level of contamination, size, or status of ownership of the facility.

''(2) PROHIBITION.—

''(A) IN GENERAL.—No part of a grant under this section may be used for payment of penalties, fines, or administrative costs.

''(B) EXCLUSIONS.—For the purposes of subparagraph (A), the term 'administrative cost' does not include the cost of—

''(i) investigation and identification of the extent of contamination;

''(ii) design and performance of a response action; or

''(iii) monitoring of natural resources.

''(3) AUDITS.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants under this section as the Inspector General considers necessary to carry out the objectives of this section. Audits shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

''(4) LEVERAGING.—An eligible entity that receives a grant under this section may use the funds for part of a project at a brownfield facility for which funding is received from other sources, but the grant shall be used only for the purposes described in subsection (b) or (c).

''(5) AGREEMENTS.—Each grant made under this section shall be subject to an agreement that—

''(A) requires the eligible entity to comply with all applicable State laws (including regulations);

''(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (b) or (c);

''(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the costs of the response action for which the grant is made, is from non-Federal sources of funding.

''(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

''(e) GRANT APPLICATIONS.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Any eligible entity may submit an application to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

''(B) COORDINATION.—In developing application requirements, the Administrator shall coordinate with the Secretary and other Federal agencies and departments, such that eligible entities under this section are made aware of other available Federal resources.

''(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in obtaining grants under this section.

''(2) APPROVAL.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants under this section to eligible entities that submit applications during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

''(3) RANKING CRITERIA.—The Administrator, in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

''(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facilities are located.

''(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development of the area on completion of the cleanup, such as the following:

''(i) The relative increase in the estimated fair market value of the area as a result of any necessary response action.

''(ii) The demonstration by applicants of the intent and ability to create new or expand existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

''(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues

expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

''(iv) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

''(v) The financial involvement of the State and local government in any response action planned for a brownfield facility and the extent to which the response action and the proposed redevelopment is consistent with any applicable State or local community economic development plan.

''(vi) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

''(vii) The extent to which the applicant coordinated with the State agency.

''(viii) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

''(C) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

''(D) The extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield facility is located because of the small population or low income of the community.''.

TITLE II—STATE RESPONSE PROGRAMS

SEC. 201. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

''(39) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person that acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

''(A) DISPOSAL PRIOR TO ACQUISITION.—All deposition of hazardous substances at the facility occurred before the person acquired the facility.

''(B) INQUIRIES.—

''(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility's real property in accordance with generally accepted good commercial and customary standards and practices.

''(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (35)(B)(ii) or those issued or adopted by the Administrator under that paragraph shall be considered to satisfy the requirements of this subparagraph.

''(iii) RESIDENTIAL USE.—In the case of property for residential or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

''(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

''(D) CARE.—The person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person has not failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

''(F) NO AFFILIATION.—The person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

''(40) FACILITY SUBJECT TO STATE CLEANUP.—The term 'facility subject to State cleanup' means a facility other than a facility—

''(A) that is listed on the National Priorities List;

''(B) that is proposed for listing on the National Priorities List, based on a determination by the Administrator published in the Federal Register that the facility qualifies for listing under section 105; or

''(C) for which an administrative order on consent or judicial consent decree requiring response action has been entered into by the United States with respect to the facility under—

''(i) this Act;

''(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(iv) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(v) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

''(41) QUALIFYING STATE RESPONSE PROGRAM.—The term 'qualifying State response program' means a State program that includes the elements described in section 128(b).''.

(b) QUALIFYING STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(a)) is amended by adding at the end the following:

''SEC. 128. QUALIFYING STATE RESPONSE PROGRAMS.

''(a) ASSISTANCE TO STATES.—The Administrator shall provide grants to States to establish and expand qualifying State response programs that include the elements listed in subsection (b).

''(b) ELEMENTS.—The elements of a qualifying State response program are the following:

''(1) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that—

''(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State law; and

''(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the response activities will be completed as necessary to protect human health and the environment.

''(2) Adequate opportunities for public participation, including prior notice and opportunity for comment in appropriate circumstances, in selecting response actions.

''(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is complete.

''(c) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO A STATE PLAN.—

''(1) ENFORCEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance at a facility subject to State cleanup, neither the President nor any other person, except the State, may use any authority under this Act to take an administrative or enforcement action against any person regarding any matter that is within the scope of a response action—

''(i) that is being conducted or has been completed under State law; or

''(ii) at a site, the cleanup of which shall be subject to State oversight.

''(B) EXCEPTIONS.—The President may bring an enforcement action under this Act with respect to a facility described in subparagraph (A) if—

''(i) the enforcement action is authorized under section 104;

''(ii) the State requests that the President provide assistance in the performance of a response action and that the enforcement bar in subparagraph (A) be lifted;

''(iii) at a facility at which response activities are ongoing the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) the Administrator determines that the release or threat of release constitutes a public health or environmental emergency under section 104(a)(4);

''(iv) the Administrator determines that contamination has migrated across a State line, resulting in the need for further response action to protect human health or the environment; or

''(v) in the case of a facility at which all response actions have been completed, the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) makes a written determination that the facility presents a substantial risk that requires further remediation to protect human health or the environment, as evidenced by—

''(aa) newly discovered information regarding contamination at the facility;

''(bb) the discovery that fraud was committed in demonstrating attainment of standards at the facility;

''(cc) the failure of the remedy to prepare a site for the intended use of the site;

''(dd) a structural failure of the remedy; or

''(ee) a change in land use giving rise to a clear threat of exposure to which a State is unwilling to respond.

''(C) EPA NOTIFICATION.—

''(i) IN GENERAL.—In the case of a facility at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to undertake an administrative or enforcement action, the Administrator, prior to taking the administrative or enforcement action, shall notify the State of the action the Administrator intends to take and wait a for a period of 30 days for an acknowledgment from the State under clause (ii).

''(ii) STATE RESPONSE.—Not later than 30 days after receiving a notice from the Administrator under clause (i), the State shall notify the Administrator if the facility contains a site, the cleanup of which—

''(I) is being conducted or has been completed under State law; or

''(II) shall be subject to State oversight.

''(iii) PUBLIC HEALTH OR ENVIRONMENTAL EMERGENCY.—If the Administrator finds that a release or threatened release constitutes a public health or environmental emergency under section 104(a)(4), the Administrator may take appropriate action immediately after giving notification under clause (i) without waiting for State acknowledgment.

''(2) COST OR DAMAGE RECOVERY ACTIONS.—Paragraph (1) shall not apply to an action brought by a State, Indian Tribe, or general purpose unit of local government for the recovery of costs or damages under this Act.

''(3) SAVINGS PROVISION.—

''(A) EXISTING AGREEMENTS.—A memorandum of agreement, memorandum of understanding, or similar agreement between the President and a State or Indian tribe defining Federal and State or tribal response action responsibilities that was in effect as of the date of enactment of this section with respect to a facility to which paragraph (1)(C) does not apply shall remain effective until the agreement expires in accordance with the terms of the agreement.

''(B) NEW AGREEMENTS.—Nothing in this subsection precludes the President from entering into an agreement with a State or Indian tribe regarding responsibility at a facility to which paragraph (1)(C) does not apply.''.

SEC. 202. STATE COST SHARE.

Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(1) by striking ''(c)(1) Unless'' and inserting the following:

''(c) MISCELLANEOUS LIMITATIONS AND REQUIREMENTS.—

''(1) CONTINUANCE OF OBLIGATIONS FROM FUND.—Unless'';

(2) in paragraph (1), by striking ''taken obligations'' and inserting ''taken, obligations'';

(3) by striking ''(2) The President'' and inserting the following:

''(2) CONSULTATION.—The President''; and

(4) by striking paragraph (3) and inserting the following:

''(3) STATE COST SHARE.—

''(A) IN GENERAL.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the Administrator that provides assurances that the State will pay, in cash or through in-kind contributions, 10 percent of—

''(i) the remedial action costs; and

''(ii) operation and maintenance costs.

''(B) ACTIVITIES WITH RESPECT TO WHICH STATE COST SHARE IS REQUIRED.—No State cost share shall be required except for remedial actions under this section.

''(C) INDIAN TRIBES.—The requirements of this paragraph shall not apply in the case of remedial action to be taken on land or water—

''(i) held by an Indian Tribe;

''(ii) held by the United States in trust for an Indian Tribe;

''(iii) held by a member of an Indian Tribe (if the land or water is subject to a trust restriction on alienation); or

''(iv) within the borders of an Indian reservation.

TITLE III—PROPERTY CONSIDERATIONS

SEC. 301. CONTIGUOUS PROPERTIES.

(a) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

''(o) CONTIGUOUS PROPERTIES.—

''(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

''(A) IN GENERAL.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to real property on which there has been a release or threatened release of a hazardous substance and that is or may be contaminated by the release shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

''(i) the person did not cause, contribute, or consent to the release or threatened release;

''(ii) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility; and

''(iii) the person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(B) GROUND WATER.—With respect to hazardous substances in ground water beneath a person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, appropriate care shall not require the person to conduct ground water investigations or to install ground water remediation systems.

''(2) COOPERATION, ASSISTANCE, AND ACCESS.—A party described in paragraph (1) may be considered an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) if the party has failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

''(3) ASSURANCES.—The Administrator may—

''(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

''(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).''.

(b) NATIONAL PRIORITIES LIST.—

(1) IN GENERAL.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended—

(A) in subsection (a)(8)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(ii) by adding at the end the following:

''(C) provision that in listing a facility on the National Priorities List, the Administrator shall not—

''(i) list the facility unless the Administrator first obtains concurrence for the listing from the Governor of the State in which the facility is located; and

''(ii) include in a listing any parcel of real property at which no release has actually occurred, but to which a released hazardous substance, pollutant, or contaminant has migrated in ground water that has moved through subsurface strata from another parcel of real estate at which the release actually occurred, unless—

''(I) the ground water is in use as a public drinking water supply or was in such use at the time of the release; and

''(II) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed.''; and

(B) by adding at the end the following:

''(h) LISTING OF PARTICULAR PARCELS.—

''(1) DEFINITION.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term 'parcel of real property' means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

''(2) STATUTORY CONSTRUCTION.—Nothing in subsection (a)(8)(C) limits the Administrator's authority under section 104 to obtain access to and undertake response actions at any parcel of real property to which a released hazardous substance, pollutant, or contaminant has migrated in the ground water.''.

(2) REVISION OF NATIONAL PRIORITIES LIST.—Not later than 180 days after the date of enactment of this Act, the President shall revise the National Priorities List to conform with the amendments made by paragraph (1).

(c) CONFORMING AMENDMENT.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by striking ''of this section'' and inserting ''and the exemptions and limitations stated in this section''.

SEC. 302. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 301(a)) is amended by adding at the end the following:

''(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

''(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

''(2) LIEN.—If there are unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (n)(1) and each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may obtain from appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

''(3) CONDITIONS.—The conditions referred to in paragraph (1) are the following:

''(A) RESPONSE ACTION.—A response action for which there are unrecovered costs is carried out at the facility.

''(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

''(C) SALE.—A sale or other disposition of all or a portion of the facility has occurred.

''(4) AMOUNT.—A lien under paragraph (2)—

''(A) shall not exceed the increase in fair market value of the property attributable to

the response action at the time of a subsequent sale or other disposition of the property;

''(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

''(C) shall be subject to the requirements of subsection (l)(3); and

''(D) shall continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility.''.

SEC. 303. SAFE HARBOR INNOCENT LANDHOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the matter that precedes clause (i), by striking ''deeds or'' and inserting ''deeds, easements, leases, or''; and

(B) in the matter that follows clause (iii)—

(i) by striking ''he'' and inserting ''the defendant''; and

(ii) by striking the period at the end and inserting '', has provided full cooperation, assistance, and facility access to the persons that are responsible for response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility, and has taken no action that impeded the effectiveness or integrity of any institutional control employed under section 121 at the facility.''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) REASON TO KNOW.—

''(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must show that—

''(I) at or prior to the date on which the defendant acquired the facility, the defendant undertook all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

''(II) the defendant exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(ii) STANDARDS AND PRACTICES.—The Administrator shall by regulation establish as standards and practices for the purpose of clause (i)—

''(I) the American Society for Testing and Materials (ASTM) Standard E1527–94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'; or

''(II) alternative standards and practices under clause (iii).

''(iii) ALTERNATIVE STANDARDS AND PRACTICES.—

''(I) IN GENERAL.—The Administrator may by regulation issue alternative standards and practices or designate standards developed by other organizations than the American Society for Testing and Materials after conducting a study of commercial and industrial practices concerning the transfer of real property in the United States.

''(II) CONSIDERATIONS.—In issuing or designating alternative standards and practices under subclause (I), the Administrator shall consider including each of the following:

''(aa) The results of an inquiry by an environmental professional.

''(bb) Interviews with past and present owners, operators, and occupants of the facility and the facility's real property for the purpose of gathering information regarding the potential for contamination at the facility and the facility's real property.

''(cc) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records to determine previous uses and occupancies of the real property since the property was first developed.

''(dd) Searches for recorded environmental cleanup liens, filed under Federal, State, or local law, against the facility or the facility's real property.

''(ee) Reviews of Federal, State, and local government records (such as waste disposal records), underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility or the facility's real property.

''(ff) Visual inspections of the facility and facility's real property and of adjoining properties.

''(gg) Specialized knowledge or experience on the part of the defendant.

''(hh) The relationship of the purchase price to the value of the property if the property was uncontaminated.

''(ii) Commonly known or reasonably ascertainable information about the property.

''(jj) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate investigation.

''(iv) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.''.

(b) STANDARDS AND PRACTICES.—

(1) ESTABLISHMENT BY REGULATION.—The Administrator of the Environmental Protection Agency shall issue the regulation required by section 101(35)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)) not later than 1 year after the date of enactment of this Act.

(2) INTERIM STANDARDS AND PRACTICES.—Until the Administrator issues the regulation described in paragraph (1), in making a determination under section 101(35)(B)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)), there shall be taken into account—

(A) any specialized knowledge or experience on the part of the defendant;

(B) the relationship of the purchase price to the value of the property if the property was uncontaminated;

(C) commonly known or reasonably ascertainable information about the property;

(D) the degree of obviousness of the presence or likely presence of contamination at the property; and

(E) the ability to detect the contamination by appropriate investigation.

TITLE IV—FEDERAL ENTITIES AND FACILITIES

SEC. 401. APPLICABILITY OF LAW; IMMUNITY.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 120. FEDERAL ENTITIES AND FACILITIES.'';

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) DEFINITION OF SERVICE CHARGES.—In this paragraph, the term 'service charge' includes—

''(i) a fee or charge assessed in connection with—

''(I) the processing or issuance of a permit, renewal of a permit, or amendment of a permit;

''(II) review of a plan, study, or other document; or

''(III) inspection or monitoring of a facility; and

''(ii) any other charge that is assessed in connection with a State, interstate, or local response program.

''(B) APPLICATION OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAW.—

''(i) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to and shall comply with this Act and all other Federal, State, interstate, and local substantive and procedural requirements and other provisions of law relating to a response action or restoration action or the management of a hazardous waste, pollutant, or contaminant in the same manner, and to the same extent, as any nongovernmental entity is subject to those provisions of law.

''(ii) PROVISIONS INCLUDED.—The provisions of law referred to in clause (i) include—

''(I) a permit requirement;

''(II) a reporting requirement;

''(III) a provision authorizing injunctive relief (including such sanctions as a court may impose to enforce injunctive relief);

''(IV) sections 106 and 107 and similar provisions of Federal, State, or local law relating to enforcement and liability for cleanup, reimbursement of response costs, contribution, and payment of damages;

''(V) a requirement to pay reasonable service charges; and

''(VI) all administrative orders and all civil and administrative penalties and fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for an isolated, intermittent, or continuing violation.

''(C) WAIVER OF IMMUNITY.—

''(i) IN GENERAL.—The United States waives any immunity applicable to the United States with respect to any provision of law described in subparagraph (B).

''(ii) LIMITATION.—The waiver of sovereign immunity under clause (i) does not apply to the extent that a State law would apply any standard or requirement to the Federal department, agency, or instrumentality in a manner that is more stringent than the manner in which the standard or requirement would apply to any other person.

''(D) CIVIL AND CRIMINAL LIABILITY.—

''(i) INJUNCTIVE RELIEF.—Neither the United States nor any agent, employee, or officer of the United States shall be immune or exempt from any process or sanction of any Federal or State court with respect to the enforcement of injunctive relief referred to in subparagraph (B)(ii)(III).

''(ii) NO PERSONAL LIABILITY FOR CIVIL PENALTY.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(iii) CRIMINAL LIABILITY.—An agent, employee, or officer of the United States shall

be subject to any criminal sanction (including a fine or imprisonment) under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to any such sanction.

''(E) ENFORCEMENT.—

''(i) ABATEMENT ACTIONS.—The Administrator may issue an order under section 106 to any department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against any other person.

''(ii) CONSULTATION.—No administrative order issued to a department, agency, or instrumentality of the United States shall become final until the department, agency, or instrumentality has had the opportunity to confer with the Administrator.

''(iii) USE OF PENALTIES AND FINES.—Unless a State law in effect on the date of enactment of this clause requires the funds to be used in a different manner, all funds collected by a State from the Federal Government as penalties or fines imposed for violation of a provision of law referred to in subparagraph (B) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.

''(F) CONTRIBUTION.—A department, agency, or instrumentality of the United States shall have the right to contribution under section 113 if the department, agency, or instrumentality resolves its liability under this Act.'';

(B) in the second sentence of paragraph (3), by inserting ''(other than the indemnification requirements of section 119)'' after ''responsibility''; and

(C) by striking paragraph (4); and

(2) in subsection (e), by adding at the end the following:

''(7) STATE REQUIREMENTS.—Notwithstanding any other provision of this Act, an interagency agreement under this section shall not impair or diminish the authority of a State, political subdivision of a State, or any other person or the jurisdiction of any court to enforce compliance with requirements of State or Federal law, unless those requirements have been specifically addressed in the agreement or waived without objection after notice to the State before or on the date on which the response action is selected.''.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 16, 2000.

Hon. GEORGE V. VOINOVICH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Governors' Association (NGA), we are pleased with the introduction of the Brownfields Revitalization Act of 2000. NGA has reviewed the bill and believe that it addresses key issues raised by the nation's Governors to facilitate the speedy cleanup of brownfields sites and make some important corrections to the Superfund statute. We hope that all Senators will work with you to ensure passage of legislation that the President can sign this year.

We would like to briefly comment on four provisions in the bill. We applaud the inclusion of a provision dealing with certainty at state brownfields sites. The bill's finality provision would improve the effectiveness and pace of hazardous waste cleanups by allowing state voluntary cleanup programs to provide assurance to landowners who wish to develop their property without fear of being engulfed in the federal liability scheme. There is no question that voluntary cleanup programs and brownfields redevelopment are currently hindered by the pervasive fear of federal liability under the Superfund law. Your bill addresses this problem by precluding enforcement by the federal government at sites where cleanup has occurred or is being conducted under a state program. In instances when a state is unwilling or unable to take appropriate action, or if contamination has migrated across state lines, your bill contains reasonable exceptions to this preclusion of enforcement.

In addition, the Governors greatly appreciate the inclusion of a provision requiring gubernatorial concurrence before a site is listed on the National Priorities List. Such a requirement will help avoid duplication of effort when a state can take the lead in restoring a site to productive use. As you know, states are currently overseeing most cleanups; listing a site on the NPL when a state is prepared to apply its own authority is not only wasteful of federal resources, it is often counterproductive, resulting in increased delays and greater costs.

We also support the provision in the bill that clarifies that the state cost-share at Superfund sites is limited to ten percent for both remedial activities and operations and maintenance (O & M). This provision has been interpreted to require states to be responsible for 100 percent of the O & M expenses at a site. Your provision will correct this inequitable situation, and at the same time, help ensure that there is no financial bias toward remedies that involve more intensive O & M than necessary.

The funding provisions in the bill that provide grants to states and local governments for both response actions as well as site assessments are very positive steps in assuring that financial assistance is available so that sites can actually move toward final cleanups.

Lastly, we applaud you for adding a provision that makes all federal facilities subject to CERCLA and state hazardous waste laws to the same extent as other nongovernmental entities. There is no legitimate rationale for exempting the federal government from the same environmental protection laws that apply to businesses, individuals and state and local government.

We look forward to continuing our strong working relationship with you on these issues. The nation's Governors believe that brownfields revitalization and some reasonable Superfund ''fixes'' can be accomplished if done in a bipartisan manner and we believe that your bill will go a long way toward accomplishing that goal. We will work with you to ensure that this bill has bipartisan support as it begins to move. If we can be of any assistance, please contact us directly or have your staff contact Diane S. Shea at 202/624–5389.

Sincerely,

Governor KENNY C. GUINN,
Chair,
Committee on Natural Resources.
Gov. THOMAS J. VILSACK,
Vice Chair,
Committee on Natural Resources.

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. ROCKEFELLER, Mr. ROBB, Mr. L. CHAFEE, Mr. BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

ALTERNATIVE FUELS TAX INCENTIVES ACT

• Mr. JEFFORDS. Mr. President, today, Senator HATCH and I, together with Senators ROCKEFELLER, CHAFEE, BRYAN, and KERRY are introducing a bill which we believe will serve two important national interests: air quality and energy security. We call it the ''Alternative Fuels Tax Incentives Act,'' and it consists of a series of temporary tax provisions to encourage purchases of cars and trucks operating on alternative fuels, and to promote the retail sale of these fuels.

The sharp gasoline price spikes earlier this year were a reminder of what can happen when the United States is not in control of the source of the energy it consumes. Some of us remember the long lines in the mid-1970s, when the Middle East pipeline was shut down, when service stations rationed the amount of gas you could buy, and when fistfights broke out over gasoline purchases. Science is now taking us to a point where we can develop other sources of energy and free ourselves from this over-reliance on foreign oil.

Imports of foreign oil now exceed 50 percent of our oil consumption. Most of the oil that we use—more than two-thirds—is used for transportation. But there's some good news: cars and trucks that operate with alternative fuels are rapidly becoming a fact of life. Each of the major automobile manufacturers offers alternative fuel vehicles, but low production volume and high initial costs have impeded their widespread use and adoption. Consumers and businesses are receptive to alternative fuel vehicles and electric vehicles, but are often reluctant to pay the additional costs manufacturers charge for them.

This bill's tax incentives will make those vehicles more cost competitive. With their environmentally-friendly fuels, these vehicles will mean significant benefits to the air we breathe. The levels of pollutants emitted by these alternative fuels vehicles are a tiny fraction of those released from a conventional gasoline or diesel engine. Some of these cars don't even have tail-pipes. To assure that owners of alternative fuel vehicles can find fuels for their cars, the bill also provides for two incentives to encourage the retail sales of alternative fuels: a tax credit for retailers for each gasoline gallon-equivalent of alternative fuel sold, and a provision allowing retailers to immediately expense up to $100,000 of the costs of alternative fuel refueling infrastructure.

Passing this bill would mean cleaner air, energy independence, and more

jobs in a developing sector of the auto industry. We have the technology and the resources to accomplish these goals. And we have manufacturers ready to deliver. It shouldn't take another oil crisis for us to get moving on this.●

Mr. HATCH. Mr. President, I rise today with my friend and colleague, Senator JEFFORDS, to introduce the Alternative Fuels Tax Incentives Act. I am pleased that we are being joined by Senators ROCKEFELLER, ROBB, CHAFEE, and BRYAN as original cosponsors.

This bill is an outgrowth of S. 1003, the Alternative Fuels Promotion Act of 1999, which was sponsored by many of the same sponsors of this year's bill. And, like S. 1003, the bill we are introducing today is designed to achieve two vital goals—reduce our dependency on foreign oil and reduce air pollution from motor vehicles.

While the goals of both of these bills are the same, Mr. President, the Alternative Fuels Incentive Act takes a similar, but more comprehensive approach to achieving them.

There is a little dispute that our growing dependency on imported oil is dangerous, not only to our continued economic growth, but also to our national security. We are witnessing again this year just how volatile the price of gasoline and other motor fuels are and how decisions made by oil producers far from our shores affect the everyday lives of all Americans. As we increase our dependence of energy from others nations, we are literally placing our future in the hands of foreign entities. Yet, we are stymied at every turn in trying to significantly increase the discovery and development of new domestic sources of oil.

At the same time, we continue to face serious air quality challenges from our almost exclusive use of conventional fuels for motor vehicles. Just in my home state of Utah, transportation vehicles account for 87 percent of carbon monoxide emissions, 52 percent of nitrogen oxide emissions, 34 percent of hydrocarbon emissions, and 22 percent of coarse particulate matter in the air. All of these emissions can be harmful to individuals suffering from chronic respiratory illnesses, heart disease, asthma, and other ailments.

More than just harming our health, however, these emissions detract from the natural beauty of our country. Furthermore, as the United States grows in population and dependency on automobile transportation, these problems will only become worse unless something is done to turn the tide.

Fortunately, Mr. President, answers to both problems exist. Vehicle technology using domestically plentiful and clean-burning alternative fuels have advanced to the point that, if widely adapted by Americans, we could reverse the course on both foreign dependence and clean air. The challenge is in getting over the hurdle of initial acceptance of the new technologies by the American public.

In essence, there are currently three market barriers to this initial acceptance of alternative fuels vehicles by Americans—the incremental cost of the vehicles over conventionally-fueled vehicles, the cost of the fuel, and the lack of convenient fueling stations. Providing incentives—not mandates—to overcome all three of these barriers is what this bill is all about.

Mr. President, the bill addresses the first barrier—the extra cost of the alternative fuels vehicles—by providing a tax credit for a portion of the difference in cost. This is key component of the bill that was lacking in S. 1003. By bringing the cost of these vehicles within the range where savings on the cost of the alternative fuel will make owning these vehicles economically viable over the life of the vehicle, public acceptance of the technology should rapidly increase. Once this occurs, production economies of scale will bring the price of the vehicles down further.

The bill addresses the second and third market barriers, that of fuel cost and availability, by providing tax credits for the alternative fuels and tax benefits for suppliers who decide to sell it to the public. This is important because the ready availability of the fuel in all geographic locations where the public needs to go or to send goods is key to their acceptance of alternative fuels vehicles. These tax benefits, when combined with the market effect caused by the demand for more fueling stations created by the purchase of more vehicles, will help ensure that such stations will appear where people need them.

Mr. President, the incentive approach taken by this bill is meant to provide a temporary bridge over these barriers. If this approach works, the tax incentives will not be needed in the long run. This is why we have placed a seven-year sunset on these provisions. At the end of this period, Congress should take a close look at how well these incentives worked and how the market has developed.

There is little doubt that sooner or later this Nation will have to turn to alternative fuels to help solve the two problems I mentioned earlier. I believe it should be sooner and the move should be incentive-based and market-driven. The bill we are introducing today can create the momentum to get us to a cleaner and more secure America much sooner. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, today I gladly lend my support to the Alternative Fuels Tax Incentives Act being introduced by Senator JEFFORDS, along with Senators HATCH, ROBB, KERRY, BRYAN, and CHAFEE. I join with my colleagues because of my long-standing dedication to increasing the use of alternative fuels for transportation, and my understanding that to do so we must stimulate interest in the still fledgling alternative fuel vehicle industry. The success of this industry, and the acceptance of these vehicles in the market place, is critical to lowering our dependence on imported oil, improving the quality of the air we breathe, and reducing the greenhouse gases our nation emits.

Let me take a few moments to relate some of the reasons why it is so important that we reduce our consumption of petroleum and use alternative sources of energy. The first and most tangible reason is the need to reduce our nation's dependence on foreign oil. Currently, we import more than half of the oil consumed in this nation. That translates to $180,000 per minute that is being spent to purchase foreign oil. That's bad for our balance of trade, but more important, none of us want to continue to have our energy costs fluctuate and spike at the whim of OPEC or any other foreign organization. The recent price increase shows just how important this is, and how vulnerable we are.

A second reason is that it is critical that we reduce the transportation sector's negative impact on air quality. While the automobile industry has made great strides in reducing the emissions of cars and trucks, the improvement has been largely offset by the dramatically increasing number of miles these vehicles are driven each year, and by our increasing desire for larger, more powerful vehicles. In 1980, light trucks, a category that includes minivans and SUVs, accounted for only 19.9 percent of the U.S. automobile market. Traditionally, these vehicles have been exempted from corporate average fuel economy (CAFE) standards. In the past couple of years, some in Congress have been successful in blocking any adjustment to CAFE standards, including the inclusion of SUVs and minivans. Now the reason for including them is even more obvious. By 1998, these larger vehicles accounted for 47.5 percent of the automobile market, with SUVs alone accounting for 18.1 percent. Clearly, doing something to cut air pollution and to reduce greenhouse gas emissions will require an enormous change in our transportation sector.

Because I believe it is the right thing to do for the people of West Virginia, and for the nation as a whole, I have been a long-time supporter of research into, incentives for, and commercial implementation of alternative fuel technologies. During my first term in the United States Senate, I introduced the Alternative Motor Vehicle Act of 1988. That legislation has been credited with a dramatic increase in the production of alternatively fueled vehicles, notably the so-called flexibly-fueled vehicles, which run on either alternative

fuels or gasoline. In fact, 500,000 of the 17 million cars sold in the United States in 1999 were flexible-fuel vehicles. In 1992, when Congress passed the Energy Policy Act (EPAct), I authored and supported a number of provisions in that law to promote the use of alternatively-fueled and electric vehicles through tax credits for vehicle purchase and installation of supporting infrastructure.

Finally, just over a year ago, along with my colleagues Senators HATCH, CRAPO, and BRYAN, I introduced the Alternative Fuels Promotion Act, S. 1003. Both the Alternative Fuels Tax Incentives Act introduced today, and the Alternative Fuels Promotion Act introduced last year, would provide the alternative fuel vehicle industry some of the help it needs to begin to get a sustainable foothold in the market place. While these bills differ in the size and type of tax incentives, I strongly believe that both bills are appropriate steps toward a cleaner environment and a more energy independent nation.

As I have stated on the Floor of the Senate before, the options for bringing about change in the transportation sector are somewhat limited. Congress could impose new taxes, mandates, or regulations. However, these approaches are sometimes unpopular with both the American people and our colleagues in Congress. I believe the best way to bring about the change we need is to provide incentives for manufacturers to develop and sell clean technology and for consumers to buy and use this technology. I believe that the Alternative Fuels Tax Incentives Act being introduced today offers manufacturers and consumers these necessary incentives.

Our domestic automobile manufacturers have developed a number of clean-running and efficient vehicles. These vehicles are virtually indistinguishable from their gasoline-powered counterparts in terms of performance, safety, and comfort. However, there are still two major barriers to widespread acceptance. The first is cost. Though manufacturers have made great strides in reducing the cost of these vehicles, most, including those powered by natural gas, propane, methanol, and electricity, are still significantly more expensive than their gasoline-powered counterparts.

A second critical roadblock impeding acceptance of alternatively fueled vehicles is the lack of an adequate refueling infrastructure. I received a call a few months ago from a woman who had just purchased a compressed natural gas-powered car made by a domestic manufacturer. Her entire car pool loved the car, especially the absence of any ''exhaust smell'' when you stood behind the car. She was calling to find out if we could help her locate more places to fuel it. She lives in Boston, and knew of only three fueling stations within a reasonable driving area. If this is the case in a major metropolitan area—which has a significant number of compressed natural gas-powered fleets in operation—it is clear that we have a long way to go. The Alternative Fuels Promotion Act offers strong incentives aimed at minimizing these roadblocks.

We know that when national policy supports the creative energies and potential of the private sector, progress is made at a faster rate. The private sector is leading the way in developing alternative fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally-powered vehicles to air pollution—including greenhouse gases—compels us to try. I encourage my colleagues to take a hard look at our environment and our national energy security, and to pass the Alternative Fuels Tax Incentives Act during this Congress.

I ask unanimous consent that this statement be inserted in the RECORD immediately after Senator JEFFORDS' statement introducing the Alternative Fuels Tax Incentives Act.

Mr. ROBB. Mr. President, I am pleased to be an original co-sponsor of the Alternative Fuels Tax Incentive Act. This legislation will help accomplish two things. First, it will promote the production and use of cars that use clean fuels, and will consequently improve air quality. Secondly, the tax credit will improve our energy independence. I honestly believe that one of the best things we can do for this country is to find a way to fuel transportation that is cleaner, and more reliable. Our automobile emissions get cleaner every year. But there are more of us on the road every year, and we drive more miles every year. So we have to keep increasing our efforts in the direction of more efficient vehicles and cleaner fuels.

Earlier this year, we experienced a sharp spike in fuel prices, courtesy of OPEC. It wasn't the first time and it won't be the last. It is imperative for our country to keep moving in the direction of energy independence, and I am convinced that it can be done without sacrificing convenience, mobility, or the environment. But we need to find a substitute for gasoline, and we need to combine the most efficient technologies in a way that provides convenient transportation.

New automotive technologies are being developed by automobile companies, in concert with some of our fine engineering schools. All these technologies show promise, but after the pilot stage and before achieving mass appeal, there is a critical phase at which we can help a new idea grow, or we can ignore it and perhaps let it fail. This tax credit is a tool that can be used to bridge the gap between an experimental vehicle and a commercially available vehicle. It encompasses the kind of creative thinking that we need to employ if we are going to reach a new standard of efficiency in automotive technology.

I look forward to a full discussion of the benefits of this bill, and hope my colleagues will join me in supporting this bill, and move for quick passage.

By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FIRST ACCOUNTS ACT OF 2000

• Mr. SARBANES. Mr. President, I rise today to address a very serious problem facing our nation: millions of low- and moderate-income Americans lack adequate access to basic financial services. I am pleased to introduce the First Accounts Act of 2000 (''FAA''). This bill, which has been proposed by the Administration, establishes a pilot program within the Department of the Treasury designed to promote access to financial services for the millions of low- and moderate income persons currently facing barriers to affordable and convenient banking services. Joining as original co-sponsors in the introduction of this legislation are the Senate Democratic leader, Senator DASCHLE, and my fellow Democratic members of the Banking Committee—Senators DODD, KERRY, BRYAN, JOHNSON, REED, SCHUMER, EDWARDS, and BAYH.

Access to basic banking services is essential for Americans seeking to participate fully in our increasingly complex financial and economic system. Unfortunately, recent studies show that millions of families lack access to affordable banking accounts and safe and secure ATMs, and do not have adequate knowledge of beneficial financial services and products. The lack of information and access to such financial services limits economic opportunities for low- and moderate-income persons, steers them toward high cost services offered by fringe operators in the financial services industry, reduces their ability to manage their finances and plan for the future, and may even place these individuals at a risk to their personal safety. Under the bill, the Treasury Department is authorized to partner with financial institutions, community organizations, and financial services electronic networks to improve access to mainstream financial services in four ways: affordable banking accounts, safe and secure ATMs, extensive financial literacy, and research and development efforts.

AFFORDABLE BANKING ACCOUNTS

First, the bill would promote access to financial services by helping write-down the cost to depository institutions of establishing low-cost accounts for low- and moderate-income consumers. According to the Federal Reserve, approximately 8.4 million low- and moderate-income families did not have a bank account in 1998. This represents 22% of such households. The high cost of banking services—particularly high minimum opening balances and monthly fee—remains a major obstacle to many families establishing a relationship with a federally-insured depository institution. According to the Federal Reserve Board, the average minimum opening balance requirement was $115 in 1997. Moreover, a 1999 U.S. Public Interest Research Group study revealed that consumers who could not meet account minimum balances at banks paid an average of $217 annually.

Althoguh seven states currently require banks to offer some form of low-cost banking accounts, there is a growing recognition that banks would voluntarily expand access to affordable accounts with appropriate encouragement. For instance, Treasury currently provides incentives under the Electronic Funds Transfer (''EFT'') program to banks that provide low-cost accounts for recipients of government checks. More than 538 federally-insured institutions signed up to offer the low-cost account during the first nine months of the EFT program.

I am pleased to have worked closely with Treasury in developing the EFT program to extend its benefits to the ''unbanked'' who receive government checks. This legislation would build on that experience to extend the benefits of direct deposit accounts to those who receive private sector checks.

The lack of access to basic banking services creates numerous difficulties for the ''unbanked.'' First, it increases the cost of financial transactions for law- and moderate-income persons. These individuals pay high service fees to check cashing outlets and other nonbanks when cashing checks and purchasing money orders. A 1998 study by the Organization for a New Equality showed that over a lifetime, a low-income family could pay over $15,000 in fees for cashing checks and paying bills outside the financial services mainstream.

Moreover, the lack of a banking account often makes it difficult for low- and moderate-income individuals to establish traditional credit and limits their ability to access other financial products. First-time homeowner programs, rental property managers, utility companies, and credit card companies are increasingly requiring applicants to have bank accounts. In the absence of a relationship with banks, low- and moderate-income individuals often end up as customers of fringe bankers who charge them exorbitant fees to access credit.

SAFE AND SECURE ATMS

Second, Treasury would provide assistance to banks and financial services automated networks that expand the availability of ATMs in safe, secure, and convenient locations in low-income neighborhoods. The availability of convenient and safe ATMs and point-of-sale terminals is taken for granted by most Americans. However, a substantial number of Americans live in communities where there are either no ATMs or the ATMs are located in unsafe and insecure environments. A recent Treasury analysis of census tracts in Los Angeles and New York showed that there were nearly twice as many ATMs in middle-income census tracts than there were in low-income areas. The absence of safe and secure ATMs in many neighborhoods places residents in situations that risk their personal safety. Every day many low- and moderate-income Americans decide between the risk of carrying large sums of money on their persons and going to an ATM at night. The FAA would increase the number of safe and secure access points into the financial mainstream by working with financial institutions and financial services networks to install ATMs in secure locations such as U.S. post offices. A pilot program between Treasury and a major financial institution has already placed ATMs in post offices in underserved communities in Baltimore and Tallahassee, and there are plans to expand the program to post offices across the country.

FINANCIAL LITERACY

Third, FAA would support financial education for low- and moderate-income Americans. Proponents of affordable banking services and products have come to recognize that the creation and design of these services only represents an initial step to improving access for this segment of the population. States such as New York have discovered that despite the existence of affordable banking accounts targeted towards underserved communities, many people do not take advantage of such services because they either do not know that such services are available or do not believe that they would benefit. This lack of information remains one of the greatest obstacles to bringing ''unbanked'' Americans into the economic mainstream. Through partnerships with community organizations and a public awareness campaign, Treasury will educate low- and moderate-income Americans about the availability of affordable financial services and the usefulness of having a bank account, managing household finances and building assets.

RESEARCH AND DEVELOPMENT

Finally, the FAA authorizes the Treasury to conduct research and development in order to expand access to financial services for low- and moderate-income communities.

The Administration has strongly supported expanding access to financial services for all Americans. The FAA would build upon and expand current initiatives by the Administration. The Administration's FY 2001 budget seeks an appropriation of $30 million in fiscal year 2001 for this program.

The First Accounts Act will help millions of low- and moderate-income Americans who lack access to affordable and convenient financial services to become part of the economic mainstream. This will be to their benefit, the benefit of the financial institutions with which they do business, and the benefit of our society as a whole. This modest legislation can make an enormous contribution to giving all Americans the opportunity to participate fully in our current economic prosperity. I urge its support by all of my colleagues.●

By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

LEGISLATION ASSURING CLEANUP OF DEFENSE SITES

● Mr. GORTON. Mr. President, in 1989, the Department of Energy signed an historic agreement with the State of Washington and the Environmental Protection Agency, committing to clean up the Hanford Nuclear Reservation in the South-Central part of the State of Washington. This pact, known as ''The Tri-Party Agreement'' has, for the most part, worked well to assure that the federal government keeps its commitment to the citizens of the state of Washington to keep the by-products of nuclear materials production from harming the people who live and work in that area.

Last year, responding to different pressures, Congress created the National Nuclear Security Administration (NNSA). Some officials, including my own state Attorney General, are concerned that the creation of the NNSA may create some uncertainty as to the Department of Energy's continued legal obligation to clean up the site. The NNSA was never intended to disrupt the enforceability of legal agreements that assure sites such as Hanford are to be cleaned up under specific timelines.

The purpose of this legislation is to clarify that environmental, safety and health provisions continue to apply to

the functions of the recently created NNSA to the same extent as they applied to those functions before transfer to the NNSA.

While the legislative history of the legislation creating the National Nuclear Security Administration demonstrated clear Congressional intent that the NNSA remain subject to state, federal and local environment, safety and health requirements, some have raised concern that the legislation could be construed as narrowing the existing waivers of federal sovereign immunity with respect to these requirements.

The Department of Energy hosts some of the most challenging environmental contamination sites in the country. Although the Hanford site is perhaps the biggest challenge, there are sites in several other states as well.

It is critical to the preservation of the environment and the protection of human health that states maintain their existing authority to enforce environmental, safety, and health requirements with respect to Department of Energy facilities under the NNSA's control.

A wide range of support exists for this legislation clarifying that the earlier legislation creating the NNSA was not intended to impair state regulatory authority over facilities under the NNSA's jurisdiction. Organizations supporting this legislation include the National Governors Association, the National Conference of State Legislatures, and the National Association of Attorneys General.

Just as this bill will clarify that the NNSA does not impair state regulatory authority over facilities under the NNSA's jurisdiction, the bill is carefully worded so as not to expand the states' authority in this regard. This bill simply reaffirms the ability of states to use the enforcement measures that are contained in cleanup agreements made with the federal government, such as the Tri-Party Agreement.●

By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUYE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM REAUTHORIZATION

● Mr. BINGAMAN. Mr. President, today I am introducing legislation which reauthorizes appropriations for the United States Holocaust Memorial Museum. In addition to extending the authorization for the museum and the United States Holocaust Memorial Council, the bill makes several clarifying and conforming changes to the 1980 enabling legislation to incorporate the recommendations of a recently completed review of the museum and the council by the National Academy of Public Administration.

As described in the museum's mission statement, the United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of Holocaust history, and serves as this country's memorial to the millions of people murdered during the Holocaust. The Museum's primary mission is to advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

Since the museum was opened to the public in 1993, it has been one of the most heavily visited sites in our nation's capital, with more than 2 million visitors last year. Previous bills authorizing appropriations for the museum have enjoyed broad bipartisan support, and I am pleased that this bill is no exception, with over 17 original cosponsors on both sides of the aisle.

Mr. President, identical legislation has already been introduced in the other body. Given the broad support for the museum and the memorial council, it is my hope that the Senate will approve this legislation expeditiously. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Chapter 23 of title 36, United States Code, is amended to read as follows:

''CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

''Sec. 2301. Establishment of the United States Holocaust Memorial Museum; functions.
''Sec. 2302. Functions of the Council; membership.
''Sec. 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.
''Sec. 2304. Administrative provisions.
''Sec. 2305. Staff.
''Sec. 2306. Memorial museum.
''Sec. 2307. Gifts, bequests, and devises of property; tax treatment.
''Sec. 2308. Annual report.
''Sec. 2309. Audit of financial transactions.
''Sec. 2310. Authorization of appropriations.

''SEC. 2301. ESTABLISHMENT OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM; FUNCTIONS.

''The United States Holocaust Memorial Museum (hereinafter in this chapter referred to as the 'Museum') is an independent establishment of the United States Government. The Museum shall—

''(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

''(2) operate and maintain a permanent living memorial museum to the victims of the Holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 2306 of this title; and

''(3) carry out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

''SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.

''(a) IN GENERAL.—The United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council') shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

''(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

''(1) 1 appointed by the Secretary of the Interior.

''(2) 1 appointed by the Secretary of State.

''(3) 1 appointed by the Secretary of Education. Of the 65 voting members, 5 shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and 5 shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

''(c) TERM OF OFFICE.—

''(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

''(2) The terms of the 5 Members of the United States House of Representatives and the 5 Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

''(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

''(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the

members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

''(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be appointed to those offices.

''(f) BYLAWS.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

''(g) QUORUM.—One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

''(h) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an individual shall serve without cost to the Federal Government.

''SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME OFFICERS OR EMPLOYEES OF UNITED STATES OR MEMBERS OF CONGRESS.

''(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under suction 5703 of title 5.

''(b) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Council.

''SEC. 2304. ADMINISTRATIVE PROVISIONS.

''(a) EXPERTS AND CONSULTANTS.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

''(b) AUTHORITY TO CONTRACT.—The Museum may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

''(c) ASSISTANCE FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

''(d) ADMINISTRATIVE SERVICES AND SUPPORT.—The Secretary of the Interior may provide administrative services and support to the Museum on a reimbursable basis.

''SEC. 2305. STAFF.

''(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR AS CHIEF EXECUTIVE OFFICER.—There shall be a director of the Museum (hereinafter in this chapter referred to as the 'Director') who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

''(b) APPOINTMENT OF EMPLOYEES.—The Director shall have authority to—

''(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

''(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of us to 3 employees not-withstanding any other provision of law; and

''(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

''SEC. 2306. MEMORIAL MUSEUM.

''(a) ARCHITECTURAL DESIGN APPROVAL.—The architectural design for the memorial museum shall be subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

''(b) INSURANCE.—The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

''SEC. 2307. GIFTS, BEQUESTS, AND DEVISES OF PROPERTY: TAX TREATMENT.

''The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

''SEC. 2308. ANNUAL REPORT.

''The Director shall transmit to Congress an annual report on the Director's stewardship of the authority to operate and maintain the memorial museum. Such report shall include the following:

''(1) An accounting of all financial transactions involving donated funds.

''(2) A description of the extent to which the objectives of this chapter are being met.

''(3) An examination of future major endeavors, initiatives, programs, or activities that the Museum proposes to undertake to better fulfill the objectives of this chapter.

''(4) An examination of the Federal role in the funding of the Museum and its activities, and any changes that may be warranted.

''SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.

''Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

''SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

''To carry out the purposes of this chapter, there are authorized to be appropriated such sums as may be necessary. Notwithstanding any other provision of law, none of the funds authorized to carry out this chapter may be made available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this chapter, shall be effective only to the extent, and in such amounts, as provided in advance in appropriations Acts.''.●

● Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill with my good friend, Senator BINGAMAN that will reauthorize the United States Holocaust Memorial Museum.

The United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of the history of the Holocaust and serves as this country's memorial to the millions of people murdered during the Holocaust.

The Museum's primary mission is to advance and disseminate knowledge about the unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

The work of the Museum is not limited to the building which overlooks the tidal basin here in Washington, D.C. I and my constituents in Alaska have benefitted from the work of the Museum. Through a system of very well designed traveling exhibits the Museum has been able to bring the story of the Holocaust, and its related history to millions of Americans nationwide. I know my constituents in Anchorage and Fairbanks will never forget their opportunity to view the traveling programs.

The legislation makes some changes in the management authorities for the Museum and streamlines the procedures to appoint the Museum's Director. The legislation also provides the United States Holocaust Memorial Museum with the same permanent authorization as we have previously provided for the Smithsonian Institution.

Mr. President, I urge my colleagues to support this bipartisan legislation.●

By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. ABRAHAM. Mr. President, I rise today to introduce the Immigration and Naturalization Service Data Management Improvement Act of 2000. This bill is designed to save jobs in Michigan and other states and prevent potentially enormous, hours-long traffic delays on the U.S.-Canadian border. That is achieved by amending Section 110 of the 1996 immigration law.

Mr. President, Section 110 of the 1996 Immigration Act mandated that an automated system be established to record the entry and exit of all aliens as a means to provide more information on individuals who ''over stay'' their visas. In the opinion of many it became clear that this well-intentioned measured, if implemented, could have an unforeseen impact. Today, when INS or Customs officials inspect people at land borders, they examine papers as necessary and make quick determinations, using their discretion on when to solicit more information. According to Dan Stamper, President of the Detroit International Bridge Company, if every single passenger of every single vehicle were required to provide detailed information in a form that could be entered into a computer—even assuming an incredibly quick 30 seconds per individual—the traffic delays could exceed 20 hours in numerous jurisdictions at the Northern border. This would obviously create significant economic and even environmental harm. Moreover, it would divert scarce law enforcement resources away from more effective measures.

Out of concern for its harmful impact on Michigan and law enforcement, I passed legislation in 1998 to delay implementation of Section 110 from its original start date of Sept. 30, 1998, until March 30, 2001. But it remained clear that a delay could not sufficiently satisfy concerns that the INS might develop a system that would prove harmful to the people of Michigan and other states.

Mr. President, FRED UPTON showed great leadership in the House on this issue and served his constituents extraordinarily well in helping to forge this compromise. LAMAR SMITH deserves great credit for working closely with us and his other House colleagues in making an agreement that meets the economic and security interests of all sides on this issue.

This is a great victory for the people of Michigan. This agreement strikes the right balance in enhancing our security and immigration enforcement needs while ensuring that we preserve the jobs and the other economic benefits Michigan receives from our close relationship with Canada.

This bill, the product of the agreement with the House, replaces the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry with a more achievable requirement that the Immigration and Naturalization Service develop an ''integrated entry and exit data system'' that focuses on data INS already regularly collects at ports of entry.

The goal of Section 110 has been to track individuals who overstay their allowable stay in the United States. That goal is redirected into a more achievable direction. INS will be directed to put in electronic and retrievable form the information already collected at ports of entry and pursue other measures steps to improve enforcement of U.S. immigration laws. In addition, a task force chaired by the Attorney General that will include representatives of other government agencies and the private sector is established to examine the need for and costs of any additional measures, including additional security measures, at our borders. The bill also calls for increased international cooperation in securing the land borders.

In essence, the agreement substitutes this approach in place of a mandate that a system be developed that would have required that all foreign travelers or U.S. permanent residents be individually recorded into a system at ports of entry and exit, thereby likely bringing traffic to a halt on the northern border for miles, trapping U.S. travelers in the process and costing potentially tens of thousands of jobs in manufacturing, tourism and other industries. The agreement also maintains the status quo in preventing new documentary requirements on Canadian travelers.

Mr. President, the bottom line is that we will have a system that enhances law enforcement capabilities and will not impose new or onerous requirements on travelers that would damage Americans or the American economy.

I would like to thank the cosponsors of this legislation who have been so important in achieving success in this long three-year effort: Senators LEAHY, GRAMS, KENNEDY, SNOWE, COLLINS, CRAIG, GORTON, JEFFORDS, SCHUMER, GRAHAM, LEVIN, DEWINE, and MURRAY.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Immigration and Naturalization Service Data Management Improvement Act of 2000''.

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

''SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

''(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

''(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

''(1) provides access to, and integrates, alien arrival and departure data that are—

''(A) authorized or required to be created or collected under law;

''(B) in an electronic format; and

''(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

''(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from, the United States;

''(3) matches an alien's available arrival data with the alien's available departure data;

''(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

''(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

''(c) CONSTRUCTION.—

''(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

''(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

''(B) requirements that are inconsistent with the North American Free Trade Agreement.

''(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

''(d) DEADLINES.—

''(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and

exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

''(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

''(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

''(e) REPORTS.—

''(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

''(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

''(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

''(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

''(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

''(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien's country of nationality.

''(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

''(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

''(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

''(g) USE OF TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

''Sec. 110. Integrated entry and exit data system.''.

SEC. 3. TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies with an interest in the duties of the Task Force, including representatives of agencies with an interest in—

(i) immigration and naturalization;

(ii) travel and tourism;

(iii) transportation;

(iv) trade;

(v) law enforcement;

(vi) national security; or

(vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) TERMS.—Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES.—The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through—

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

Mr. LEAHY. Mr. President, I am pleased to cosponsor this bill, which will help protect both America's economy and our relationship with Canada. In particular, citizens of states all across our Northern Border should breathe a sigh of relief that we appear to be close to finding a legislative solution to a potentially serious problem brewing along our border with Canada.

This bill will replace section 110 of the Illegal Immigration Reform and Responsibility Act (IIRIRA). Section 110 would mandate that the Immigration and Naturalization Service (INS) establish an automated system to record the entry and exit of all aliens in order to track their movements within the United States and to determine those who ''overstay'' their visas. the system has not yet been implemented.

By requiring an automated system for monitoring the entry and exit of ''all aliens,'' this provision requires that INS and Customs agents stop each vehicle or individual entering or exiting the United States at all ports of entry. Canadians, U.S. permanent residents and many others who are not currently required to show documentation of their status would likely either have to carry some form of identification or fill out paperwork at the points of entry.

This sort of tracking system would be costly to implement along the Northern Border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States.

Section 110 would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the $2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the $120 million per year which Canadians spend in Vermont.

The Immigration and Naturalization Service Data Management Improvement Act will replace the existing Section 110 with a new provision that requires the Attorney General to implement an ''integrated entry and exit data system.'' This system would simply integrate the arrival and departure data which already is authorized or required to be collected under current law, and which is in electronic format within databases held by the Justice and State Departments. The INS would not be required to take new steps to collect information from those entering and leaving the country, meaning that Canadians will have the same ability to enter the United States as they do today.

This bill will ensure that tourists and trade continue to freely cross the border, without additional documentation requirements. This bill will also guarantee that more than $1 billion daily cross-border trade is not hindered in any way. Just as importantly, Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends should be able to continue to do so without additional border delays.

This is an issue that I have worked on ever since section 110 was originally adopted in 1996. In 1997, along with Senator ABRAHAM and others, I introduced the ''Border Improvement and Immigration Act of 1997.'' Among other things, that legislation would have (1) specifically exempted Canadians from any new documentation or paperwork requirements when crossing the border into the United States; (2) required the Attorney General to discuss the development of ''reciprocal agreements'' with the Secretary of State and the governments of contiguous countries to collect the data on visa overstayers; and (3) required the Attorney General to increase the number of INS inspectors by 300 per year and the number of Customs inspectors by 150 per year for the next three years, with at least half of those inspectors being assigned to the Northern Border.

I also worked with Senator ABRAHAM, Senator KENNEDY, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001. But delays are by nature only a temporary solution; in the legislation we introduce today, I believe we have found a permanent solution that allows us to keep track of the flow of foreign nationals entering and leaving the United States without crippling commerce or our important relationship with Canada. That is why I am proud to support this legislation, and why I urge prompt action.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1459

At the request of Mr. MACK, the name of the Senator from Massachusetts